



Edition 10

Commonwealth of  
Kentucky

Office  
of the  
Attorney General

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## HOW TO HANDLE TELEMARKETERS

*-When the phone rang, I was really hoping it was my daughter, so we could chat. But, instead, a very pleasant man's voice, asked how I was. I remember his name was Chuck, but I didn't quite catch the name of the business he represented. Before I could ask him to repeat it, he started talking about a special sweepstakes promotion. They only would need me to send \$250 in fees in order to process my prize winnings of over \$10,000. But then, I remembered my daughter telling me to be more careful with people asking for money. So, I asked him to repeat the name of his company and the pertinent information. He reassured me that I had heard of them and even done business with them before. I was going to say no, but he convinced me that the reward was too good to pass up for a mere \$250 fee. Finally, I promised him that I would send the money, even though that's a lot. He said he'd send my prize upon receipt of my check. I really wish I hadn't agreed, but he said I had won . . .*

Unfortunately, stories like this are all too common. If it sounds too good to be true, it probably is. Annually, telemarketing fraud costs consumers over \$40 billion dollars a year.

There are some things you can do to avoid being a victim of this industry. When a stranger calls, remember:

- If a telemarketer is unwilling to provide you with specifics in writing, be suspicious.
- Do research on the company. Check with the local Better Business Bureau and the Attorney General's Office.
- Don't be afraid to say no, or hang up. Remember, they called you.
- Tell the caller to put you on the company's "Do-not-call" list. By law, they must.
- Don't buy tickets in a foreign-based lottery, no matter how tempting the offer. It's illegal.
- Resist high pressure sales tactics. Legitimate businesses respect that you're not interested.
- Don't send money by courier, overnight delivery, or wire to anyone who insists on immediate payment.
- If the caller is abusive or threatening, hang up at once.
- Free means "free". If a prize is offered, never send up front fees to receive the "free" prize.
- Never give out credit card, bank account, birth date, or social security numbers.

To add your name to the  
Attorney General's  
Telemarketing No Call List, call:

**Consumer Protection**

**1-800-671-7701**

or

**1-888-432-9257 (toll free)**

## **Proposed Telemarketing Legislation - HB 155**

In an attempt to protect Kentucky's consumers from unwanted telemarketing calls, Representative Jack Coleman, of Burgin, filed HB 155. Representative Coleman has also received considerable support from some of his fellow legislators, who have signed on as co-sponsors of the bill, including Rep. Mike Weaver, Rep. Buddy Buckingham, Rep. Howard Cornett, Rep. Jodie Haydon, Rep. Kathy Stein, and Rep. Susan Westrom. This bill would improve existing law by reducing the list of current telemarketer exemptions. In 1998, a telemarketing law was passed which allowed exemptions for 95% of all telemarketers operating in Kentucky. Coleman's bill would close the loopholes and remove the exemptions. Attorney General Ben Chandler supports this telemarketing legislation because of its impact on the financial and physical safety of all senior and the overall right to privacy for all Kentuckians.

A University of Kentucky survey found 80% of Kentuckians believed telemarketing calls to be annoying and intrusive. These callers are usually selling a product, service, or soliciting funds for charities or other purposes and often interrupt individuals during dinner and family hours. Or, one may answer the phone and find no one there; this is the result of the telemarketers' automated dialing system.

Not only are the telemarketing calls annoying and intrusive, but many times a real burden for senior citizens. The Office of the Attorney General's Consumer Protection Divi-

sion frequently hears reports from families whose elder members have difficulty getting to the telephone for incoming calls due to their physical impairments. When the call is a hang up, or a sales pitch for an unneeded service, the unnecessary calls then become a safety issue for seniors.

HB 155 has the following provisions to help ensure against such activity:

### **1. REMOVES NUMEROUS EXEMPTIONS - resulting in fewer calls to consumers on "No Call" list.**

The University of Kentucky's survey found that 90% of Kentuckians believe if they are on the "No Call" list that they should not receive any telemarketing phone solicitations.

### **2. CREATES A VOLUNTARY "ZERO CALL LIST" FOR ANYONE OVER 70 YEARS OLD - prohibiting telemarketers from calling anyone on the list.**

"It takes more than just hanging up to deal with the problem of unwanted telemarketing calls," Attorney General Ben Chandler stated. "This proposal would provide what is needed to better protect Kentucky consumers from unwanted telemarketing calls."

### **3. PROVIDES CONSUMERS RIGHT TO SUE - consumers can directly sue violators of telemarketing act.**



*Representative Coleman introduces legislation before the General Assembly.*

Representative Coleman stated, "We have worked together to protect the rights of consumers in several areas over the last couple of sessions. In furtherance of consumer protection and in response to consumer requests, we are seeking to strengthen Ky's telemarketing law. Consumers overwhelmingly are asking that the privacy and sanctity of their homes be respected by allowing them to opt out of receiving annoying telemarketing phone calls. This bill will simply give consumers that power in their own homes."

### **4. PROHIBITS TELEMARKETERS FROM BLOCKING CALLER ID - resulting in true identification on Caller ID Machine.**

Telemarketers' phone numbers are often blocked and don't appear on one's Caller ID unit. This is annoying, sometimes frightening, to individuals who use the unit to check incoming callers' identities. It prohibits anyone who wants to register a complaint, since one's without the means to contact the company and enroll on their do-not call list. Currently, federal law requires companies to maintain such lists.

**SB 32 - "Zero Call List"**  
**Attention Kentuckians 70 Years Old and Older**

The concern for the prevention of harm to seniors from telemarketing has led Senator Marshall Long, of Shelbyville, to introduce SB32, a short but significant bill called the "Zero Call List." This bill would provide for the establishment of a voluntary list

whereby Kentuckians 70 and older who enroll their names, would not receive any telemarketing calls.

In introducing this innovative bill, which no other state currently has, Senator Long said, "this bill will help to protect

seniors who want telemarketers to leave them alone. The law we have now doesn't work because of all the exceptions." Attorney General Ben Chandler agreed, "seniors should have the right to be protected from unwanted telephone calls within their own homes."

**What Can You Do Now  
About Annoying Telemarketing Calls?**

Are you bothered by nuisance telemarketing calls? Here are some tips to help avoid them:

1. Tell callers to put you on their internal DO NOT Call List. Federal law requires they do so.
2. Avoid signing up for prizes and sweepstakes offers. Your name will be sold to telemarketers.
3. Write the **Telephone Preference Service, Direct Marketing Association, PO Box 9014, Farmingdale, NY 11735-9014**. Ask that your name be removed from all calling lists.
4. Enroll in Kentucky's No-Call List by calling **1-800-671-7701**, filling out the electronic form at <http://kyattorneygeneral.com/nocall>, or mailing the coupon below. Unfortunately, less than 5% of telemarketing companies are currently prohibited from calling you. HB 155 and SB 32 will reduce the exemptions and make the no-call list much more effective!

**REQUEST FOR PLACEMENT  
ON NO TELEPHONE SOLICITATION CALLS LIST**

TS-7 1998

Please add my name and phone number to the "COMMONWEALTH OF KENTUCKY, NO TELEPHONE SOLICITATION CALLS LIST"

(PLEASE PRINT)

\*NAME: \_\_\_\_\_

PHONE #: (\_\_\_\_) \_\_\_\_\_ (\_\_\_\_) \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ COUNTY: \_\_\_\_\_ ZIP: \_\_\_\_\_

\_\_\_\_\_  
**SIGNATURE**

\_\_\_\_\_  
**DATE**

\*Please note: A separate card must be filled out for each individual over the age of 18 who wants to be included on the list.

**CLIP AND  
RETURN THE FORM TO :**

Office of the Attorney General  
No-Call List  
Consumer Protection Division  
1024 Capital Center Drive  
Frankfort, KY 40601

Office of the Attorney General  
Office of Senior Protection  
700 Capitol Avenue  
Frankfort, KY 40601

Presorted Standard  
U S Postage  
PAID  
Frankfort, KY  
Permit No. 888

***AWARE, AVOID, ALERT***

***Kentucky Senior Snooper***

**CONTACT YOUR  
LEGISLATORS**

*If you would like to contact your  
legislators to voice your opinion and/or  
leave a message, you may do so by  
calling:*

**1-800-372-7181**

**CONSUMER PROTECTION  
COMPLAINTS**

***TO FILE A COMPLAINT AGAINST A  
TELEMARKETER, contact:***

Office of the Attorney General  
Consumer Protection Division  
1024 Capital Center Drive  
Frankfort, KY 40601

***or call:***

**1-888-432-9257**

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